

**JUDICIAL COUNCIL OF THE SIXTH CIRCUIT**  
**MICHIGAN-OHIO-KENTUCKY-TENNESSEE**

In re:  
Complaint of Judicial Misconduct

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\*No. 06-15-90089  
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**M E M O R A N D U M**

This complaint of judicial misconduct was filed by a pro se litigant against a district judge who was briefly assigned to one of his civil actions. The complaint alleges that the district judge (then chief judge of the district) reassigned the complainant's two civil actions to the same district judge, a former law partner, in furtherance of a conspiracy to deny the complainant relief.

After conducting an initial review, the chief judge may dismiss a misconduct complaint as to which he concludes: (A) that the claimed conduct, even if it occurred, "is not prejudicial to the effective and expeditious administration of the business of the courts"; (B) that the complaint "is directly related to the merits of a decision or procedural ruling"; (C) that the complaint is "frivolous," a term that applies to charges that are wholly unsupported; or (D) that the complaint "lack[s] sufficient evidence to raise an inference that misconduct has occurred." Rule 11(c)(1)(A)-(D), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

A review of the district-court record reveals that the district judge who was initially assigned to the complainant's first civil action transferred the case, along with nineteen others, to the subject judge. The next day, the subject judge transferred the case, along with 46 others, to a third district judge. About 28 months later, the district judge who was initially assigned to the complainant's second civil action transferred it to the clerk of the court for reassignment. The case was then reassigned to the same district judge to whom the complainant's first case was ultimately transferred.

This complaint is subject to dismissal under Rule 11(c)(1)(C) & (D). *See also* 28 U.S.C. § 352(b)(1)(A)(iii). The record contains no evidence that the subject judge's transfer of the complainant's first civil action was motivated by a desire to protect the defendants or to prevent the complainant from obtaining relief. The complaint's allegations rest on two facts: (1) the subject judge and the judge to whom both civil actions were ultimately assigned were once partners in the same law firm, and (2) that

firm, in unrelated litigation, represented one of the defendants named in the complainant's first action. These facts are insufficient to support an inference of misconduct. And the record contains no evidence that the subject judge played any role in the reassignment of the complainant's second civil action, or that the judges' former law firm had ever represented any defendant in that action. This allegation of misconduct is wholly unsupported.

For these reasons, the complaint will be dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(iii) and Rule 11(c)(1)(C) & (D) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

*/s/ R. Guy Cole, Jr.*  
Chief Judge

Date: November 10, 2015